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FOLLOW-UP TO THE RESULTS OF HIGH-LEVEL PLENARY MEETINGS AT THE FORTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY TO EXAMINE THE STATUS OF INTERNATIONAL COOPERATION AGAINST THE ILLICIT PRODUCTION, SALE, DEMAND, TRAFFIC AND DISTRIBUTION OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

Implementation of General Assembly resolution 48/12

Report of the Executive Director

Summary

The present report was prepared by the Executive Director of the United Nations International Drug Control Programme pursuant to a request by the Commission on Narcotic Drugs in the context of its special examination of the current status of the global drug abuse situation. That examination was prompted by General Assembly resolution 48/12 of 28 October 1993, in which the Commission was entrusted with the responsibility to review the effectiveness of the international drug control instruments and to consider and make recommendations on a number of issues related to drug abuse. The Commission will report on those matters through the Economic and Social Council to the General Assembly at its fiftieth session.

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INTRODUCTION

1. At the high-level plenary meetings at its forty-eighth session, the General Assembly adopted resolution 48/12 of 28 October 1993 on measures to strengthen international cooperation in drug abuse control. In that resolution, the Assembly requested the Commission, with the support of the United Nations International Drug Control Programme (UNDCP) and in cooperation with the International Narcotics Control Board (INCB), to monitor and evaluate action taken to implement the international drug control instruments, with a view to identifying areas of satisfactory progress and weakness, and to recommend to the high-level segment of the Economic and Social Council in 1995 appropriate adjustments of drug control activities whenever required. The Assembly also requested the Commission and the Council to consider and make recommendations on specific drug control issues listed in the resolution.

2. After discussing the requests contained in paragraphs 9 and 10 of resolution 48/12 at its thirty-seventh session, the Commission adopted resolution 3 (XXXVII) of 21 April 1994, in which it formulated the methodology it wished to follow in responding to the requests. In that connection, it decided to examine paragraphs 9 and 10 (a), (b), (c), (e), (i) and (j) on the basis of an assessment by the Executive Director of UNDCP, in cooperation with the Board and with the support of an ad hoc intergovernmental advisory group. The advisory group was also requested to examine the issue of possible alternative funding mechanisms for United Nations drug control activities. The Commission further decided that paragraphs 10 (d), (f), (g) and (h) would be examined on the basis of a report by the Executive Director in the light of the work of its subsidiary bodies and the conclusions and recommendations of the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be in 1995, and other relevant international conferences.

3. The Executive Director convened the ad hoc advisory group twice at Vienna from 29 August to 2 September 1994 and from 14 to 18 November 1994. On the basis of the discussions of the advisory group, the Executive Director has prepared the present report, which also reflects the deliberations of the subsidiary bodies, the results of the World Ministerial Conference on Organized Transnational Crime, the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach, held at Courmayeur, Italy, from 18 to 20 June 1994, as well as the Declaration of Principles and Plan of Action adopted at the Summit of the Americas, held at Miami, Florida, United States of America, on 11 December 1994. The Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, also designated by the Commission as a possible source of recommendations, is now scheduled to take place at Cairo from 29 April to 8 May 1995, after the thirty-eighth session of the Commission.

4. The advisory group was assisted in its deliberations by an exchange of ideas with the President of the Board, who presented a position paper on the effectiveness of the international drug control treaties. That paper, as later amended by the Board, is available to the Commission as a supplement to the report of the Board for 1994.[1] The report of the advisory group to the Executive Director is available to the Commission for information.

5. In addition to the mandate given to it by the Commission, the advisory group took the initiative to comment on three additional issues: money-laundering; the debate concerning possible legalization or decriminalization of the non-medical use of drugs; and a proposal that a second international conference on drug abuse and illicit trafficking should be held in 1997, 10 years after the first such conference. The Executive Director has accordingly also taken those considerations into account in preparing the present report. In addition, it should be emphasized that a number of the recommendations

contained in the present report have programme budget implications that will need to be determined and communicated to the Commission should it wish to endorse those recommendations.

6. In view of the fact that, in paragraph 10 (k) of resolution 48/12, the General Assembly asked the Commission to consider, in the course of its work, the recommendations contained in the report of the Secretary-General on the implementation by Member States of the Global Programme of Action (A/48/286), the Executive Director has also referred to those recommendations whenever it was deemed appropriate.

I. ASSESSMENT OF ISSUES COVERED IN PARAGRAPHS 9 AND 10 (a), (b), (c), (e), (i) AND (j) OF GENERAL ASSEMBLY RESOLUTION 48/12

A. Evaluation of the current international drug control instruments

7. The international drug control instruments are understood to comprise the Single Convention on Narcotic Drugs of 1961,[2] that Convention as amended by the 1972 Protocol,[3] the Convention on Psychotropic Substances of 1971,[4] the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[5] the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control adopted by the International Conference on Drug Abuse and Illicit Trafficking,[6] the Global Programme of Action adopted by the General Assembly at its seventeenth special session,[7] on 23 February 1990, and various resolutions adopted by the Assembly, the Council and the Commission, many of which were designed to clarify or assist in the implementation of the conventions, of the Comprehensive Multidisciplinary Outline or of the Global Programme of Action. The Executive Director considers the United Nations System-Wide Action Plan on Drug Abuse Control[8] prepared by the Administrative Committee on Coordination, monitored by the Commission and approved by the Assembly, to be more of a management tool for coordination of United Nations system-wide activities, many of which are designed to assist Governments in carrying out the Global Programme of Action.

1. Single Convention on Narcotic Drugs of 1961 and Convention on Psychotropic Substances of 1971

8. The 1961 Convention was largely a consolidation of earlier drug control conventions designed over a period of 50 years since the International Opium Convention[9] was signed at The Hague in 1912 in response to the drug abuse situation as it was perceived at the beginning of the century. The legal context of that time was one of non-prohibition of the use of drugs, particularly opium and its derivatives, and the absence of international control on their trade. The 1971 Convention, framed 10 years later, was based on the same approach.

9. Confronted by the increasing gravity of the drug abuse problem, the international community agreed to set up a control system, and the corresponding treaty provisions on cultivation, production, trade in and use of drugs first laid down in 1912 were refined and applied to an increasing number of substances with the adoption of successive protocols and conventions in 1925, 1931, 1948, 1953, 1961, 1971 and 1972. In spite of evolution over a period of 60 years in the scope and level of control, the initial objective and concept defined at the beginning of the century remained almost unchanged. The 1961 and 1971 conventions, like their predecessors, aim primarily at ensuring, through administrative control mechanisms, the availability of drugs for medical and scientific purposes, the prevention of diversion from licit channels, and organization and surveillance of licit production, movement and use.

10. The advisory group concurred with the general thrust of the position paper of the Board with respect to the effectiveness of the 1961 and 1971 conventions. Stated in broad terms, both conventions can be said to have generally achieved the objectives for which they were intended. The thorough examination of the matter by the Board does not call for additional comment.

11. As pointed out by both the Board and the advisory group, there are clearly inadequacies in the control mechanisms of the 1961 and 1971 conventions and inconsistencies in a number of areas, partly as a result of developments in technology. In addition, the major modern concern with demand reduction is considered only in very general terms in those conventions, and countermeasures to the illicit drug traffic are not specified in any detail until the subsequent "second-generation" 1988 Convention. Indeed, it would seem that the lack of detailed demand reduction and law enforcement directives in the form of clear treaty provisions is what has led some detractors to consider the 1961 and 1971 conventions as largely irrelevant to the drug abuse problem today. On the other hand, there is reason to believe that, were it not for the controls instituted under the 1961 and 1971 conventions, the drug abuse situation today would probably be even worse, and involve largely licitly manufactured pharmaceutical products.

12. A number of the shortcomings have been considered before by the Commission and the Council, and have led to the adoption of resolutions inviting States to carry out certain procedures not foreseen in the conventions, particularly the 1971 Convention. One example will suffice to illustrate the situation. The 1971 Convention, contrary to the 1961 Convention, does not provide for a system of estimated requirements of psychotropic substances and for adequate statistical reporting on international trade. Such data are now being partly furnished on a voluntary basis pursuant to resolutions adopted by the Commission and the Council. Formalizing the reporting system would improve the evaluation of actual needs for psychotropic substances and the detection of diversions from the licit market into illicit channels.

13. The advisory group felt that a number of improvements proposed by the Board could be introduced in the 1961 Convention and, in particular, the 1971 Convention by using the simplified amendment procedure set forth in both conventions, which stipulates that a proposal by any State party circulated to parties by the Secretary-General will enter into force if it has not been rejected by any party within eighteen months of such circulation (article 47, paragraph 2, of the 1961 Convention, and article 30, paragraph 2, of the 1971 Convention). The proposals relate, inter alia, to various aspects of statistical reporting, the application of the estimate system to substances not currently subject to it, import and export regulations and criteria considered in the scheduling process of the 1961 and 1971 conventions.[10] The Executive Director does not believe that the simplified amendment procedure would succeed in the case of all suggested proposals, but recommends that the Commission examine the issue (see paragraph 46, recommendation (a), below). In that connection, the Commission may wish to note that several recommendations contained in the report of the Secretary-General on the implementation of the Global Programme of Action (A/48/286, para. 15, sect. C, subsect. 2 (i) and (j)) relate to issues outlined below.

14. An additional issue which arises under the 1961 Convention concerns the evolution of the situation with respect to: commercial utilization of poppy straw; the problem of defining various products of the cannabis plant in the light of modern technology; and the continuing need to clarify ambiguities relating to the cultivation of the coca bush and use of the coca leaf. Those questions are posed quite clearly by the Board in its position paper.[11] The Executive Director is of the opinion that the time has come for the Commission to recommend a review of those questions (see paragraph 46, recommendations (b) and (c), below).

(a) Data collection

15. One issue of prime importance to the Commission that was examined by the advisory group concerns the problem of timely and complete reporting by Governments on their activities in the field of drug abuse control in general, and treaty implementation in particular. The issue concerns not only the 1961 and 1971 conventions, but also the 1988 Convention. It should be noted that the reports in question are those addressed to the Secretary-General for general analytical purposes, based on the annual reports questionnaire and the Global Programme of Action questionnaire, and should not be confused with statistical reports to the Board. The reports serve as the basis for consideration by the Commission of treaty implementation and the drug abuse and illicit traffic situations, as well as for action taken by the Commission pursuant to its mandate to monitor the Global Programme of Action.

16. At its thirty-seventh session the Commission approved the questionnaire for reporting on government activities related to the Global Programme of Action. It was transmitted to Governments for the first time in February 1995. The questionnaire and procedure established should clearly be reviewed only after having been tested for a few years.

17. The Commission has reviewed on a number of occasions the annual reports questionnaire, which should be a principal source of data for the Secretariat and, through it, the Commission. That questionnaire is partly based on treaty requirements and partly on issues the Commission itself has identified as important to carry out its role as the main policy-making body for drug control matters in the United Nations system. The two main problem areas usually cited in connection with the annual reports questionnaire - complexity of questions and timeliness of Government response - are due to conflicting demands. The Commission establishes a higher standard than Governments are able or willing to meet, and a majority of Governments do not meet the deadline of 30 June set by the General Assembly for the submission of such reports. The recommendation that States should report promptly, fully and regularly was brought to the attention of the General Assembly in the report of the Secretary-General on implementation of the Global Programme of Action (A/48/286, para. 15, sect. D, subsect. 1 (d)).

18. The advisory group was of the opinion that a modular version of the annual reports questionnaire might allow more flexibility to Governments, permitting each Government to complete as many sections as it wanted or was able to, in increasing complexity or detail. It was also of the opinion that States Parties to a convention that did not carry out their reporting obligations should be reported to the Commission. The Executive Director agrees with both suggestions (see paragraph 47 below).

19. In connection with the modular approach for the annual reports questionnaire, the Executive Director wishes to point out that UNDCP has already identified the essential minimum questions to be answered in the questionnaire sent out in December 1994. That was done in response to a request by the Commission to simplify the questionnaire. The Executive Director would suggest that that system be tried for two reporting years. If it leads to a noticeable improvement in reporting, it can then be easily recast in modular form. A conference room paper (E/CN.7/1995/CRP.3) has been prepared in response to the recommendation that States failing to report should be brought to the attention of the Commission.

(b) Ensuring adequate supplies of drugs for medical and scientific needs

20. The control system which the 1961 and 1971 treaties define was designed to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, while preventing diversion from licit to illicit channels. Continuing emphasis on the prevention of diversion and establishment of control systems for the safe dispensing and use of drugs has tended to deflect attention

from requirements of States parties, particularly developing countries, for opiates for medical purposes, including morphine and codeine, and for those psychotropic substances needed for therapeutic purposes. The need to ensure adequate supplies of essential drugs was recognized by the International Conference on Drug Abuse and Illicit Trafficking, and has been forcefully stated by the Board on a number of occasions.[12] The interest of the World Health Organization (WHO) in the matter is reflected in its Drug Action Programme in the context of its guidelines for more accurate forecasting of requirements for therapeutic use of medicaments, including narcotic drugs and psychotropic substances. The Executive Director shares the concern voiced by the Board in that connection (see paragraph 48 below). A similar concern was brought to the attention of the General Assembly in the recommendations contained in the report of the Secretary-General on the implementation of the Global Programme of Action (A/48/286, para. 15, sect. D, subsect. 2 (k)).

2. United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

21. Parallel to its efforts at reducing the illicit supply of drugs, the international community undertook in 1985 to negotiate and draft a new convention directed specifically at illicit drug trafficking. The convention thus departs from the opium model of the first generation (from 1912 to 1971) of drug control treaties directed primarily at the control of licit activities. The United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances was adopted in December 1988 and entered into force in November 1990 - a record time by comparison with most other international instruments.

22. Drug-trafficking activities and the government response to those activities are defined in a comprehensive and innovative manner in the 1988 Convention. States parties are required to establish a number of activities as criminal offences under their domestic law and to provide for penalties that take into account the serious nature of the offences. Moreover, the Convention requires States parties to set up new forms of cooperation in detecting, investigating and prosecuting such offences.

23. The 1988 Convention has given rise to a wave of legislative activity at the national level, often supported by UNDCP, as well as to the adoption of numerous bilateral and regional agreements that implement and further the provisions of the Convention in fields of cooperation such as mutual legal assistance or extradition. Also, since its adoption, provisions of the Convention in the areas of precursors control, money-laundering and confiscation measures have been further developed and strengthened through regional or specially targeted initiatives. The Convention, however, sets a high standard for international cooperation, which many States may find difficult to attain.

24. The opinion has often been expressed that it would be premature to evaluate the overall effectiveness of the 1988 Convention when it has been in force for only just over four years. That is also the conclusion of the Board,[13] and was the position taken by the advisory group. Nevertheless, various elements of the Convention can and should be evaluated. Indeed, the issues enumerated in paragraph 10 of Assembly resolution 48/12 reflect a number of those elements, which will be dealt with in detail later in the present report. Likewise, comments by the Board and recommendations in the report of the Secretary-General on implementation of the Global Programme of Action will also be considered under the specific topics to which they refer.

25. Although it would no doubt be premature to pronounce on the overall effectiveness of the 1988 Convention at the present time, the time is certainly ripe for the Commission to identify the mechanism by which it will carry out its treaty obligation under article 21 (a) to review the operation of the convention. That the matter needs to be addressed is clear from the general thrust of Assembly resolution 48/12, and the question gave rise to extended debate in the advisory group. In that

connection, the Executive Director concurs with the recommendation of the advisory group that the Commission should be immediately seized of the question of establishing a review mechanism (see paragraph 49 below).

26. If the Commission decides to examine the above-mentioned question at its thirty-eighth session, it may wish to bear in mind aspects commented on by the advisory group. In that connection, the advisory group agreed that any review mechanism established by the Commission also required that it identify a monitoring mechanism. In view of the complexity of the problem, the advisory group considered various options for the monitoring mechanism. There was general agreement that any monitoring mechanism should have the objective of complementing the functions of the Board under the three international drug control treaties.

27. In the course of its examination of the various options, the advisory group concluded that any monitoring mechanism would ultimately entail either the establishment of a special subsidiary body of the Commission or a request to the Board to assume such functions. However, the advisory group noted that in order for the Board to assume such new functions, an amendment to the Convention would clearly be required.

28. The advisory group pointed out that, were the Commission to decide to establish a subsidiary body, it would need to identify its composition (election or appointment of States parties or individuals), the term of office of such individuals or States, and the terms of reference under which the Commission could decide that the subsidiary body should operate and report to it. Such a body should be relatively small and should ensure appropriate regional representation. It was understood that the establishment of any such body would entail programme budget implications for the Secretariat.

29. Regardless of whether the Commission resolves the question at its thirty-eighth session or requires more time for reflection, the Executive Director hopes that the Commission will initiate its consideration of the issue as a matter of urgency. As a minimum, the usefulness or advisability of the following steps should be considered:

(a) Inclusion of a review of the operation of the 1988 Convention as a regular item on its agenda;

(b) Entrusting UNDCP with the task of inserting new questions relating to specific elements of the 1988 Convention in the annual reports questionnaire;

(c) Entrusting specific monitoring functions to the subsidiary bodies of the Commission.

3. Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and Global Programme of Action

30. Both the Comprehensive Multidisciplinary Outline and the Global Programme of Action were formulated in recent years to address the full range of issues confronting Member States and the international community in relation to drug abuse and drug trafficking. Both were designed as agreed guides for policy and action. The principal distinction between them is that the Comprehensive Multidisciplinary Outline is formulated as a handbook of targets for use by Governments and international entities at the working level, while the Global Programme of Action, inter alia, translates the basic objectives of the Comprehensive Multidisciplinary Outline into a series of specific directives for implementation by Governments. When adopting the Global Programme of Action, the General Assembly also proclaimed the period from 1991 to 2000 as the United Nations Decade against Drug Abuse, to be devoted to actions designed to promote the implementation of the Global Programme of Action.

31. The Comprehensive Multidisciplinary Outline was structured to serve as the outcome of the International Conference on Drug Abuse and Illicit Trafficking, which had been given the mandate to generate universal action to combat the drug problem in all its forms at the national, regional and international levels. It encompassed the classic concerns of control of supply of narcotic drugs and psychotropic substances as set forth in the 1961 and 1971 conventions, and included elements later incorporated into and superseded by the 1988 Convention, which was then in preparation. The substantive innovation introduced into the Comprehensive Multidisciplinary Outline was the recognition that the prevention of drug abuse and the treatment and rehabilitation of drug abusers were to be established for the first time as major policy and programme objectives for the international community. The text of the Comprehensive Multidisciplinary Outline clearly reveals the lack of agreed techniques and methodologies available at the time to confront the emergency posed by ever-growing numbers of drug abusers. The recommendations for action related to treatment and rehabilitation of drug abusers reveal even greater uncertainties.

32. Although various parts of the Comprehensive Multidisciplinary Outline have been superseded by the 1988 Convention and the Global Programme of Action, a large number of its targets are still good practical examples of issues relating to areas of treaty implementation, control of supply and demand reduction, which are examined in more detail elsewhere in the present report.

33. The Global Programme of Action, while reflecting to a large extent the format and substance of the Comprehensive Multidisciplinary Outline, is also particularly explicit in addressing initiatives which the Assembly regarded as appropriate for action by various entities of the United Nations system. The Global Programme of Action has become, by and large, the standard yardstick by which to measure government action to improve the national and international situation brought about by the ever-spreading phenomenon of drug abuse. The Global Programme of Action is also the subject of a recently initiated reporting system designed to ensure preparation of the annual report to the Assembly on its implementation and to facilitate the mandate given to the Commission to monitor that implementation.

34. It is worth noting that some of the main elements contained in both instruments constitute the issues singled out for review by the General Assembly in paragraph 10 of resolution 48/12. That is certainly indicative of the ongoing relevance of the Comprehensive Multidisciplinary Outline and the Global Programme of Action, and of the continuing interest that Governments should have in fulfilling the objectives of those instruments.

35. In the course of its discussions, the advisory group was of the opinion that an international ministerial-level meeting should be convened 10 years after the International Conference on Drug Abuse and Illicit Trafficking as a means of ensuring the continuing commitment of Governments to the fight against drug abuse and illicit trafficking. The advisory group felt that such a meeting would provide an opportunity to evaluate government achievements in the field of drug abuse control, and might serve as a forum for preparing a declaration of principles on demand reduction (see paragraphs 61-63 below). The meeting could also examine and reaffirm principles and positions on a number of relevant issues, including the question of legalization (see paragraphs 42-45 below). In that connection, it is interesting to note that the Summit of the Americas supported the idea of convening a global anti-drug conference at an unspecified date.

36. The Executive Director believes that such a conference, coming as it would some two thirds of the way through the United Nations Decade against Drug Abuse, could indeed provide an appropriate platform to review general progress by both Governments and entities of the United Nations system with respect to their drug abuse control activities and to consider their future orientation (see paragraph 50 below).

37. Should the Commission and the Council decide to make a recommendation along the lines set forth by the advisory group, it would be advisable to emphasize that the lead time for organizing a Conference in 1997 is relatively short: preparatory work would need to be initiated by the end of 1995 at the latest. It would therefore be advisable to define clearly the objectives of such a conference and to propose a manageable agenda, focused on defined outputs that could be expected to contribute in practical terms to the ongoing efforts of the international community and UNDCP. In such a case, the Secretariat would present the programme budget implications for consideration by the Commission.

4. National drug control legislation

38. Implementation of the international drug control instruments is impossible without appropriate enabling legislation at the national level. Such national drug control legislation is the necessary cornerstone on which to construct a national policy to address the phenomenon of drug abuse and its attendant economic and social consequences, both individual and collective. In that connection, UNDCP has emphasized the need for States to ensure an adequate legislative framework when drawing up drug control master plans, and extends assistance to them through its legal assistance programme.

39. In addition to the fundamental need for appropriate legislation, however, is the equally important need to see it applied in a functional and adequate manner. That seems to have been what the advisory group had in mind when it reviewed the implementation of the international drug control instruments at the national level, and concluded that, in many countries, the implementation of drug control measures suffered from the general weakness of the criminal justice system and the law enforcement administration. Outdated and cumbersome judicial procedures as well as corrupt officials in law enforcement agencies and in the judiciary add to the list of pitfalls that should be recognized and corrected, and the report of the Secretary-General on the implementation of the Global Programme of Action emphasizes the importance of Government action in that connection (A/48/286, para. 15, sect. F (d)). Such problems extend beyond the realm of drug abuse control and concern the overall criminal justice system. Hence, any action that the Commission on Narcotic Drugs might decide to recommend could usefully be brought to the attention of the Commission on Crime Prevention and Criminal Justice.

40. It would also seem appropriate for the Commission on Narcotic Drugs to review jointly with the Commission on Crime Prevention and Criminal Justice matters relating to the adequacy and appropriateness of penalties for drug-related offences in the broader context of penalties for general criminal activities (see paragraphs 105-113 below).

41. It is clear that all States without exception are faced with hard decisions as to how to allocate scarce Government resources. The choice to ensure that a properly staffed judiciary is supported by a well-trained law enforcement establishment would seem to be a wise one, particularly in the drug control field, where it will ultimately generate many social benefits. In that connection, it should be recalled that the strengthening of judicial, legal and law enforcement systems, with special attention to the training of personnel at all levels, was among the recommendations included in the report of the Secretary-General on the implementation of the Global Programme of Action (A/48/286, para. 15, sect. F (a)). The recommendations of the Executive Director are put forward with that purpose in mind (see paragraph 51 below). Those recommendations, if properly carried out at the national level, could also help alleviate pressure on the law enforcement, judicial and penal systems, and thereby produce the additional benefit of responding to one of the arguments often put forward by proponents of legalization of the non-medical use of drugs.

5. Problems related to proposals for legalization of the non-medical use of drugs

42. The increase in demand for illicit drugs and in the activities of organized trafficking has inevitably led to increased pressure on government services and to a growing exasperation with the consequences of drug abuse in some sectors of public opinion. That reaction, combined with continuing interest in the recreational use of some drugs by certain social strata, particularly those with middle and higher income levels, forms the professed rationale for reiterated calls in certain quarters for legalization of the non-medical use of drugs.

43. Both the Board and the Commission have countered the range of arguments adduced in support of legalization and related palliative proposals that have been articulated in the media and by some non-governmental and other organizations. The Board, in particular, has persistently taken the position that any slackening in the official rejection of such proposals would open the door to more dire social consequences than the proponents of legalization seem ready to recognize. The report of the Board for 1992,[14] thoroughly reflects its analysis of the situation. In the special supplement to its report for 1994,[15] the Board answers the objection advanced by some that outlawing recreational drug use is tantamount to a violation of human rights, by pointing out parallels with other restrictive regulations such as traffic regulations or rules governing the acquisition of firearms.

44. The advisory group strongly supported the position of the Board in regard to the question of possible legalization, and stressed the importance of countering the arguments put forward by proponents of such legalization. The advisory group noted that in some countries neither penal sanctions nor alternative measures against possession and abuse of drugs were applied, a situation which the advisory group believed could only exacerbate the severe public health and social problems associated with drug abuse, and could usher in a de facto legalization.

45. The Executive Director would like to draw attention to the relationship between certain aspects of the debate on legalization and other areas of legitimate concern to Governments, such as overcrowding of penal institutions where juveniles often come into contact with hardened criminals, or the fact that law enforcement agencies and judicial systems are often overwhelmed by drug-related offences. Clearly the solution cannot be simply to depenalize drug abuse. On the other hand, a more detailed study of the implications of decriminalization and of harm-reduction campaigns, as suggested by the advisory group, might well produce new perspectives leading to unexpected solutions. At the same time, it is becoming more necessary to develop clear and cogent arguments to counter proposals for legalization. The Executive Director agrees with such a two-pronged approach, as reflected in recommendations contained in the present report (see paragraph 52 below).

6. Recommendations

46. With respect to possible improvements in the functioning and implementation of the 1961 and 1971 conventions, the Commission is invited to consider the following recommendations:

(a) The following five proposals might lend themselves to adoption as amendments pursuant to article 47, paragraph 1 (b), of the 1961 Convention and article 30, paragraph 1 (b), of the 1971 Convention:

(i) Providing for annual rather than quarterly statistical reporting on international trade in narcotic drugs;[16]

(ii) Establishing an estimate system for substances listed in Schedules II, III and IV of the 1971 Convention;[17]

(iii) Establishing an import and export authorization system for substances listed in Schedules III and IV of the 1971 Convention;[18]

(iv) Requiring detailed reporting on the countries of origin of imports and the countries of destination of exports of substances listed in Schedules III and IV of the 1971 Convention;[19]

(v) Harmonizing the scheduling criteria and decision-making process under the 1961 and 1971 conventions;[20]

(b) UNDCP should be asked to convene, in cooperation with the Board, a group of experts to review the adequacy of the control regime applicable to poppy straw;[21]

(c) UNDCP should be asked to convene, in cooperation with the Board, a group of experts to review the adequacy of existing definitions in the 1961 and 1971 conventions, with particular reference to various cannabis and coca leaf products.[22]

47. In order to facilitate data collection from Governments, and thereby improve the quality of information available both to the Commission and to UNDCP, the Executive Director submits the following recommendations:

(a) If the current experiment with a new approach to the annual reports questionnaire is found to be an improvement, UNDCP should propose to the Commission in 1997 a modular version of the annual reports questionnaire to facilitate its completion by certain countries for which large parts of the current version of the questionnaire were not relevant;

(b) UNDCP should report annually to the Commission on the failure of States parties to the international drug control treaties to provide the reports required under the treaties.

48. In line with the underlying principle, embodied in both the 1961 and 1971 conventions, of ensuring sufficient availability of narcotic drugs and psychotropic substances for licit medical and scientific needs, while trying to counter diversion into illicit channels, the following recommendation is submitted to the Commission:

> The Board, UNDCP and WHO should examine how best to cooperate and coordinate their activities, within their respective areas of competence, with a view to assisting Governments in estimating more accurately their licit requirements for narcotic drugs and psychotropic substances, and to ensuring that their availability for legitimate medical purposes is not impeded by unnecessary control measures.

49. The Executive Director considers that the Commission should address the question of how to carry out its treaty mandate to review the operation of the 1988 Convention, and therefore recommends that steps should be taken without delay to improve the monitoring of its implementation. In that connection, the Commission might wish to examine at its thirty-eighth session the question of an appropriate monitoring mechanism to assist it in its review of the operation of the 1988 Convention.

50. The Executive Director endorses the proposal to convene an international conference, 10 years after the International Conference on Drug Abuse and Illicit Trafficking, to review progress made by Governments and the United Nations system in combating drug abuse and illicit trafficking. Accordingly, the Commission is invited to consider proposing a second international conference on drug abuse and illicit trafficking to evaluate the state of international cooperation in drug abuse control and

the fight against illicit drug trafficking, and to promote the adoption of new international instruments to strengthen the international drug control regime.

51. With reference to steps that could be taken to make national drug control legislation and its implementation more effective, the following recommendations are submitted to the Commission:

(a) In drawing up legal assistance programmes to enable States to ensure treaty compliance, UNDCP should take into account, inter alia, the following important factors:

(i) The integration of treaty provisions into legal and administrative procedures at the national level and their effective implementation;

(ii) Adoption or modernization of laws, including those related to extradition, money-laundering, confiscation of assets derived from illicit drug trafficking, mutual legal assistance, controlled delivery and cooperation among law enforcement agencies;

(iii) Identification of critical problems in the legal system, in terms of human, financial and technical resources, for which States need urgent assistance;

(iv) Integrity and independence of the judicial system;

(b) States should be urged to cooperate more closely with a view to enhancing the implementation of the international drug control treaties by concluding bilateral and multilateral mutual legal assistance agreements, as well as agreements promoting cooperation among their law enforcement agencies;

(c) Member States should recognize the importance of the Comprehensive Multidisciplinary Outline and the Global Programme of Action as instruments for implementing the international drug control treaties, and should utilize them accordingly at the national level.

52. The Commission is invited to consider the following suggestions in connection with the ongoing debate on proposals to legalize the non-medical use of drugs:

(a) UNDCP should be invited to provide concrete and sound arguments against legalization of the non-medical use of drugs, and should also collaborate with WHO in preparing reports on the physical and mental health consequences of the abuse of particularly dangerous drugs;

(b) UNDCP should undertake a study on the implications of decriminalization and of harm-reduction campaigns in countries in which those policies have been adopted, and report thereon to the Commission for further guidance on subsequent action;

(c) Governments and political leaders should consider including clear statements against legalization in important international declarations.

B. Demand reduction

53. The fundamental importance of reducing the illicit demand for drugs has come to be recognized by all. It is now considered to be as important a deterrent to drug abuse as reducing illicit drug crop cultivation and manufacture, or combating the illicit traffic which links the two. In recent years both the Commission and the Council have emphasized the need for government action or support for activities in the public sector aimed at preventing drug abuse, on the one hand, and at treating and rehabilitating those who have fallen prey to drug abuse, on the other. In its report for 1993,[23] the

Board came out strongly in favour of drawing attention to the need to review and encourage demand reduction activities. As already mentioned, the Comprehensive Multidisciplinary Outline and the Global Programme of Action have both, in their own way, codified a certain amount of agreed principles in this field, but much remains to be done, and there is often disagreement on what action is required and on the methodology for carrying it out.

54. Reviewing cases of government failure to mount credible and sustainable demand reduction strategies, the advisory group considered it essential for increased demarcation to be made between programmes in the field of prevention and those aimed at treatment and rehabilitation, the target groups of prevention strategies being significantly different from those of treatment and rehabilitation programmes. Focusing on demand reduction strategies, the advisory group stressed the critical importance of involving community-based organizations in all phases of developing and implementing those strategies. In addition, the need to work with specialized national non-governmental organizations was considered particularly relevant for those engaged in the field of treatment and rehabilitation of vulnerable groups.

55. Of the various components identified in the Comprehensive Multidisciplinary Outline and Global Programme of Action, treatment and rehabilitation have received the least attention in the intervening years. The difficulties of determining viable policies and strategies for broad application by the international community are evident, as both treatment and rehabilitation are affected by many variables derived from culture and community. The advisory group noted, for example, that treatment and rehabilitation were often perceived from a primarily clinical perspective, and that the roles played by the extended family and the community were often underestimated. It considered that Governments should develop demand reduction strategies in a comprehensive manner through the involvement of the civil society, including professional groups, teachers and religious leaders, as well as organizations working at the national level in the field of treatment and rehabilitation.

56. It is clear that programmes encompassing demand reduction, education, treatment and rehabilitation are often politically unappealing since results are usually neither rapid nor dramatic. They can also be unattractive economically because of their high cost. It may be desirable, from the point of view of economy and effectiveness, for some countries to undertake demand reduction strategies, particularly in the field of prevention, within a framework of public health care that embraces other harmful substances, including volatile solvents, anabolic steroids, alcohol and tobacco. In that connection, it may be recalled that the Executive Director, at the thirty-seventh session of the Commission, stated that the pursuit of strategies to reduce the demand for illicit drugs should be guided by pragmatism, with illicit drugs and other harmful substances addressed in the same context and along parallel lines, so as to maximize their impact.

57. In stressing the importance of integrating demand reduction programmes into a balanced comprehensive and multifaceted drug control strategy, the advisory group observed that such a balanced approach did not necessarily imply a sudden switching of resources and focus to demand reduction. The objective should rather be perceived as the greater integration of both demand reduction and law enforcement initiatives into a cohesive, interrelated package supported by society at large.

58. One useful approach to such integration might be through the wider recourse to national master plans. The integrated master plan approach, which UNDCP has urged Governments to adopt for a number of years, includes a demand reduction strategy. The advisory group supports the overall planning technique, by which Governments are invited to implement such plans with modifications and adjustments suited to their respective cultures and conditions. Any national master plan should include a drug demand reduction strategy as part of its pharmaceutical policy. One of the elements of such a strategy could be to require that, in registering new pharmaceutical products, information would be

required on their dependence potential, so that appropriate prevention measures could be taken, if necessary.

59. National non-governmental organizations have a potentially important role to play in combating drug abuse in general, and their activities are referred to below in the examination of the question of human resources (see paragraphs 90-96 below). Nevertheless, a few thoughts on their particular importance to the field of demand reduction seem appropriate in the present context.

60. In view of the scarcity, in many countries, of Government resources to allocate to demand reduction, it seems necessary to rethink approaches to the problem so as to include recourse to civil organizations that can help to improve the situation. A number of non-governmental organizations rely on the support of parents, religious leaders, teachers, civic groups and concerned citizens who can usefully perform demand reduction functions which, perhaps, have too long been perceived by some as an area for only government action. A number of demand reduction activities are currently being carried out in a highly professional manner by local communities and civic groups, and such activity should be encouraged by Governments, provided they are satisfied of the bona fide competence of those entities.

61. The Executive Director is in basic agreement with the strong stand taken by the Board and with the overall thrust of the approach of the advisory group to the issue of demand reduction, which address many of the problems encountered by Member States in dealing with that difficult issue over the past few years. Accordingly many of the recommendations transmitted to the Commission on that issue have been corroborated by UNDCP experience to date (see paragraph 67 below).

62. The advisory group also examined the question that has recently arisen on the possible effectiveness of an international treaty on demand reduction or the amendment of existing treaties to broaden considerably the currently meagre scope of their provisions in that area. The Board, in the special supplement to its report for 1994, expresses its doubt about the appropriateness of such an instrument.[24] Most of the members of the advisory group also expressed their reservations as to the potential effectiveness of such a convention, as it was felt that the constitutive elements to be part of a demand reduction convention did not easily lead to codification and to formal obligations on the part of States parties.

63. As an alternative, there was consensus in the advisory group that work should be undertaken to consolidate, within the framework of a declaration, the guiding principles and practical recommendations that Governments could usefully apply in their fight against the illicit demand for drugs. The recommendations contained in the Comprehensive Multidisciplinary Outline and the Global Programme of Action could form the basis for drafting the declaration. The advisory group was of the opinion that such a declaration might be approved at the international conference they proposed for 1997 (see paragraph 35 above).

64. The Executive Director tends to agree with the feeling that demand reduction is probably an area that does not lend itself to codification and the establishment of obligatory treaty provisions. Nevertheless, it will be useful to keep in mind the fact that many maintained that such was also the case when a detailed convention against illicit traffic in drugs was first proposed. Yet few today would deny that the 1988 Convention achieved a major breakthrough in that field. In fact, as was reflected in the deliberations at the World Ministerial Conference on Organized Transnational Crime, although international consensus may be difficult to reach in areas touching on national sovereignty, jurisdiction, and traditions, the 1988 Convention is clearly inspiring international legislative bodies to reach a similar solution in other fields.

65. That being said, a political declaration on demand reduction would be a laudable step in the right direction, and would permit consolidation of guiding principles which are now partly stated in the Comprehensive Multidisciplinary Outline and the Global Programme of Action, and partly dispersed in the scientific and social literature. Such an undertaking is thus recommended to the Commission.

66. If the Commission also agrees that adoption of a political declaration on demand reduction should be one objective of an international conference to be held in 1997, the Commission may wish to envisage the preparation of a preliminary draft for initial consideration at its thirty-ninth session in 1996.

Recommendations

67. With respect to possible action that might lead to an improvement in the ability of Governments to counter and reduce illicit demand for drugs, the Executive Director submits the following recommendations:

(a) States should consider drawing up national master plans incorporating an adequate demand reduction programme adjusted to local cultural and other needs, including activities at both the Government and private-sector levels;

(b) States should be encouraged to include in national regulations for new drug approval explicit requirements that dependence potential and liability to abuse be assessed for new psychoactive substances;

(c) States should be made aware of the importance of providing training to upgrade the awareness, knowledge and skills of volunteers and non-professionals actively involved in the work of non-governmental organizations in the field of education, prevention, treatment and rehabilitation of drug abusers;

(d) States should be encouraged to inform UNDCP and the Commission of national demand reduction programmes in order to share their experiences with other States, and to submit their national drug control plans or master plans for consideration either by the Commission itself or by a working group established by the Commission for that purpose.

68. The Executive Director submits the following recommendation for consideration by the Commission in the context of its activities aimed at reducing illicit demand for drugs:

> The Commission, at its thirty-eighth session, should initiate the process of drafting a declaration setting forth guiding principles on strengthening, at the national and international levels, the fight against illicit demand for drugs, drawing on relevant recommendations contained in: the Comprehensive Multidisciplinary Outline; the Global Programme of Action; the Declaration of the World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat, held at London from 9 to 11 April 1990 (A/45/262, annex); resolution 13, on measures against drug addiction, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;[25] and other relevant documents.

C. Alternative development

69. The concept of alternative development as a tool in the fight against drug abuse and illicit trafficking is predicated ultimately on the assumption that an improvement in the socio-economic existence of populations now economically dependent on illicit cultivation of narcotic plants can wean them from that activity by offering viable economic alternatives, and thereby also reduce the likelihood

that local drug abuse problems will develop. It is clear that the objectives and means of alternative development far surpass the confines of drug abuse control per se, since they aim at alleviating poverty, developing a new infrastructure and revamping the economy. Early attempts to restrict action to, for example, crop substitution alone were soon perceived as too restrictive by the international community.

1. International cooperation

70. The international community first addressed the issue of international - as opposed to bilateral - financial cooperation to fight drug abuse with the establishment in 1971 of the United Nations Fund for Drug Abuse Control (UNFDAC). During the 1970s, UNFDAC reached a budgetary level averaging 6 million United States dollars (US$) per year. The bulk of those voluntary funds was invested in a small number of projects in opium-poppy-growing areas of Asia, while smaller amounts were devoted to projects for training or equipping national law enforcement services. Because of the low level of contributions, the agriculture-oriented projects could be no more than experimental, and did not permit the intended wide-scale impact on levels of illicit cultivation. Those early projects, however, increased the knowledge of the factors contributing to illicit cultivation. In particular, they showed that the concept of direct crop substitution was in itself inadequate, and that efforts to address illicit cultivation would need to be much more broad-based, involving long-term rural development and ultimately the economic integration of growing areas.

71. The 1980s saw a significant increase in financial support for UNFDAC, which attained a budget level of $69 million by 1990. That figure increased to over $80 million by 1992, when the Fund of UNDCP succeeded UNFDAC. The largest share of resources was invested in the launching of more comprehensive rural development projects, in the Andean countries as well as in Asia.

72. Since the early 1990s, illicit cultivation has been spreading into new and non-traditional areas, prompting a rethinking of the approach to reducing the supply of illicit narcotic raw materials. It is now understood that rural development measures need to be integrated into long-term sustainable development initiatives, which involve a range of development aid activities and corresponding resources far beyond the mandate and the financial means of the Fund of UNDCP.

73. The present-day role of UNDCP in alternative development can be succinctly stated: to identify and analyse the illicit supply problems in the countries or subregions concerned: and to act as a catalyst in initiating activities, in providing advice on technical aspects, and in implementing pilot projects. In particular, given its mandate and limited resources, UNDCP has a catalytic role to play in ensuring that the international financial institutions and other multilateral agencies involved in providing technical assistance have a drug control component in their programmes targeting countries or subregions affected by the illicit cultivation of narcotic crops. In that connection, the importance of prioritizing activities financed in part or in full by the Fund of UNDCP cannot be overemphasized. The financial constraints on UNDCP and the reticence of other more important sources of funding to carry forward the projects initiated by UNDCP call for further scrutiny. The suggestion of the advisory group that a monitoring and evaluation system should be set up deserves the close attention of the Commission (see paragraph 79, recommendation (a), below).

74. The catalytic role of UNDCP was fully understood by the advisory group, which emphasized that UNDCP should play a greater role in ensuring coordination within the United Nations system and with relevant regional organizations, particularly in addressing the problem of providing funds and expertise for narcotics-related alternative development programmes. In that connection, it was considered crucial for Governments to encourage all agencies concerned to contribute to bringing about a radical change in the willingness of international financial institutions to incorporate the drug control dimension in their

programmes. That is also the thrust of a recommendation in the report of the Secretary-General on the implementation of the Global Programme of Action (A/48/286, para. 15, sect. C, subsect. 3 (p)).

75. The advisory group considered the policy-influencing and coordinating role of UNDCP in drug control matters within the United Nations system to be of the utmost importance. UNDCP had adjusted the implementation of its mandate of ensuring coordination within the United Nations system by moving away from an approach based on top-level understanding with agencies, to one based on coordination and effective cooperation at the country level. Through that "bottom-up approach", UNDCP had sought to ensure coordination between programmes initiated and implemented at the national level and the identification of drug control components therein. That had been facilitated by the establishment of 20 field offices in strategic regions and countries particularly vulnerable to the drug problem. The new approach had been supported by the working arrangements between UNDCP and the United Nations Development Programme (UNDP), which had enabled the UNDP Resident Representative, exercising the capacity of coordinator of all United Nations programmes, to play a role in ensuring country-level coordination in the field of drug control. In that connection, the Executive Director fully supports the position of the advisory group on the importance of continuing that approach (see paragraph 79, recommendation (b), below).

76. With regard to the long-term strategic planning of alternative development, the master plan approach developed by UNDCP involves joint planning with Governments both individually and, as appropriate, jointly on a subregional basis. The master plan method has already proven its worth as a valuable tool for alternative development, and the approach could be further refined into joint area and regional planning with the international financial institutions. A joint planning process, preferably undertaken from the onset of the project and on a continuing basis, would facilitate a smooth transition into the more comprehensive regional plans for development undertaken by the major international financial institutions. Naturally, for such an approach to be feasible, concerned States and subregions must have thought out their objectives and priorities. For those States that have not yet taken the necessary steps to do so, the Executive Director can only reiterate the recommendation contained in paragraph 15, section C, subsection 3 (n) of the report of the Secretary-General (A/48/286) on the implementation of the Global Programme of Action (see paragraph 79, recommendation (c), below).

2. Transit and producing countries

77. By singling out the situation of transit and producing countries, the General Assembly has underlined the complex problem facing such countries which, in its words, play a crucial role in the struggle against illicit drug abuse and trafficking. Assisting the efforts of those countries may often call for alternative development assistance, in the case of producing countries, or other forms of international cooperation for transit States facing problems that arise exclusively from the illicit drug traffic and, possibly, an abuse situation that has been aggravated by transit traffic.

78. The problems of transit and producing countries are often compounded by the fact that they are archipelagic island States, landlocked States, or States otherwise in an awkward geographic location in relation to international trafficking routes. Governments should give special consideration to such States when preparing their drug control assistance programmes. In addition, States parties to the 1988 Convention may wish to consider assisting the efforts of States confronted with illicit cultivation or heavy transit traffic within the terms of article 5 of the 1988 Convention, thereby contributing to international cooperation in combating illicit drug trafficking.

3. Recommendations

79. The Commission may wish to consider the following recommendations relating to alternative development strategies and activities:

(a) UNDCP should establish an appropriate forum (expert group or task force) mandated to establish objectives and expected results of alternative development programmes and to prioritize those objectives, to consult closely with Governments in drawing up those programmes, to monitor their progress and to evaluate their effectiveness;

(b) At the field level, the United Nations should work more systematically at involving all development agencies; the drug control aspect should be incorporated into the United Nations country strategy notes; UNDP Resident Representatives, in their capacity as coordinators of United Nations efforts at the country level, should be encouraged to give greater priority to drug control efforts; and alternative strategies, such as replicating experience from other areas, should also be considered;

(c) States should, with the assistance of UNDCP where necessary, draw up master plans defining their objectives and priorities and determining the steps to be taken to implement national strategies, thereby providing a basis for developing a subregional strategy.

D. Human resources development

1. Training

80. Of the various activities related to international drug control carried out by the United Nations system, particular attention needs to be paid to developing the methodology for training both national and international personnel to understand the objectives of such control, to acquire the technical skills needed to contribute to the achievement of those objectives, and to motivate them to cooperate actively with colleagues from other disciplines, be it in their own country or at the regional or international level. It is easy to understand why a multidisciplinary approach to training has always been recommended in the field of drug abuse control. On the one hand, demand reduction and treatment and rehabilitation programmes bring a broad range of specialists together in the drug control field. On the other hand, training programmes involving different law enforcement occupational groups, such as police and customs, require close coordination if they are to yield optimal results. Similarly, joint training schemes involving different professional groups tackling the drug problem from different perspectives (for example, police and social workers) may contribute to ensuring professional interlinkages and enhanced coherence in the implementation of a national drug control strategy.

81. Admittedly, the task of motivating the full range of services to train in the appropriate skills is not simple, and overcoming inter-service rivalries will never be easy. The perception of many drug control programmes as being inherently negative in purpose has in the past also complicated coordination, and a new approach to the formulation of cooperative programming might be more effective, particularly in the area of demand reduction.

82. UNDCP training activities to date fall into five broad categories: forensic laboratory techniques; law enforcement; national administrative control machinery; demand reduction programmes; and drafting and enactment of legislation.

83. Training in drug-related laboratory operations has been undertaken by the United Nations since 1958, using the technique of group fellowship awards to provide technical training in the identification of drugs of abuse. More recently the technique has been extended to regional training away from the

Vienna headquarters of UNDCP in response to a request from the Commission to decentralize basic training activities. Mention should also be made both of the assistance provided to a number of Member States to establish and equip national laboratories, and of recent undertakings by universities in several Member States to provide laboratory training for their own nationals and officials from other countries using United Nations training techniques and syllabuses. The UNDCP laboratory, as part of the training provided on a worldwide basis, has published a comprehensive series of manuals setting forth standardized testing techniques for the various drugs of abuse. Standardized forensic evidence determined by those methods are now acceptable in many courts of law.

84. The question of training in the field of law enforcement is somewhat more complex for a number of reasons. A first consideration relates to the range of occupational duties and responsibilities, from basic police or customs officer routines to sophisticated investigations of money-laundering and related computer crimes. The task of constructing and administering appropriate training to selected law enforcement agents is further complicated by widely varying levels of skill requirements between Member States and by significant differences in legal systems and practice, which frequently make cooperation between national law enforcement agencies a major stumbling-block. As a result, attention has largely been focused on development of an overall United Nations approach to training in drug law enforcement, including the preparation of the United Nations Drug Law Enforcement Training Manual on the basis of extensive consultations to reflect a multiregional approach. Similar considerations apply to provision of training in money-laundering, judicial cooperation techniques and related skills at different levels of the judicial process.

85. Regional seminars for drug control administrators are organized by UNDCP through the secretariat of the Board for participants from Africa, Asia, eastern Europe, the Commonwealth of Independent States and the Near and Middle East. Such training supplements direct assistance that may be given on request to a State in order to establish the national drug control administration envisaged under the 1961 and 1971 conventions. The regional seminars now focus particularly on psychotropic substances and precursor chemicals, where international control mechanisms are still imperfectly formulated or in course of development. The seminars are designed to familiarize participants with the detailed procedures and to foster regional cooperation. Similar training in Latin America and the Caribbean has been provided by the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS), with the support of UNDCP and the secretariat of the Board.

86. In the field of demand reduction, UNDCP provides training in the three major areas of data collection, rapid assessment and project-integrated training. Basic quantitative data collection methods, including training in computer skills, are supplied to States on request to permit the development of national trend data on the drug abuse situation. Training in rapid assessment methodologies is provided to States planning to undertake an initial assessment of the drug abuse situation prior to launching a reduction programme, or requiring assistance in reaching policy decisions. Such methodologies allow quick feedback for adjustments to existing programmes, and serve as an instantaneous monitoring system to address particular questions. The advantage of rapid assessment is that it is done only periodically in specifically chosen target areas in order to obtain data on a particular drug abuse issue. The integrated training approach emphasizes the inclusion of training components in demand reduction projects, covering such areas as treatment, prevention, rehabilitation, public education or development of the school curriculum. The training usually aims at "training-of-trainers" in order to maximize the investment and facilitate potential replication.

87. UNDCP extends technical assistance to States wishing to become parties to the international drug control conventions and to enact the necessary enabling legislation. Training to that end may involve the provision of expert consultants to assist in the preparation of legislative drafting instructions or in drafting the legislation itself, as well as the review and evaluation of drug abuse control legislation and

infrastructures. In addition to providing advice on implementation measures adopted by other countries with similar legal concepts and systems and assistance in elaborating suitable arrangements to strengthen domestic, regional and interregional drug abuse control capabilities (in such matters as confiscation, extradition, mutual legal assistance or controlled delivery), UNDCP is active in training judges, prosecutors, investigators and judicial officials in implementing the new laws.

88. The advisory group approached the question of training by identifying a number of shortcomings at the national level, all of which should be taken into consideration not only by States themselves, but also by entities of the United Nations system that provide training. In particular, the advisory group pointed out that personnel trained under UNDCP, bilateral and national programmes were not always effectively used, as they were often reassigned to posts where their newly acquired skills would not be relevant. To remedy the situation, Governments should commit themselves to keeping trained personnel within their respective posts for a certain time period following their training. Another issue raised concerned the fact that training programmes did not always reach the target group because of the ad hoc selection of trainees by Governments. UNDCP, it was felt, might assist Governments in the selection of trainees with appropriate profiles. Lastly, the advisory group concluded that in many countries training programmes did not yield the expected results because of the absence of the institutional basis or infrastructure for propagating the new expertise and techniques.

89. The problems identified above might be alleviated through the specification by UNDCP of certain requirements when it extends assistance in training to Member States (see paragraph 95 below).

2. Non-governmental organizations

90. The United Nations, like its predecessor the League of Nations, has encouraged cooperation between itself and non-governmental organizations in a wide variety of areas where the latter have recognized expertise. The requirement for official participation by such non-governmental organizations in meetings of the Commission is that they should have consultative status with the Council. However, in addition to such organizations, which are usually international in scope, there are myriad non-governmental organizations operating only at the national level. Many of the latter have been highly successful in numerous community and local activities at the grass-roots level.

91. The experience of the Commission with participation of non-governmental organizations has been varied. Interest in and attendance at the Commission increased in the early 1980s, but has since levelled off, and there is no active dialogue between the Commission and such organizations. Local committees of non-governmental organizations at New York and Vienna meet sporadically. On the other hand, some major conferences of non-governmental organizations have served useful purposes. A conference held in Stockholm in 1986 at the invitation of the Government of Sweden was successful in focusing the attention of a range of active non-governmental organizations on the drug abuse control programme, and the Forum of Non-Governmental Organizations at the International Conference on Drug Abuse and Illicit Trafficking in 1987 served as a further manifestation of the potential for active involvement of non-governmental organizations in the ongoing United Nations programme. The NGO World Forum on Drug Demand Reduction, held at Bangkok from 12 to 16 December 1994, was the most recent example, bringing together more than 500 representatives from over 100 countries to discuss drug demand reduction. In addition, several non-governmental organizations have carried out projects for the UNDCP field programme, and procedures are now being developed to match the skills and capabilities of such organizations to the needs and cultural patterns of countries requesting assistance.

92. To improve the channels of communication between the Commission and those non-governmental organizations which have proven their competence and professionalism in drug-control-related disciplines, the Commission might consider how best to organize a useful dialogue with such

organizations. Specific requests for cooperation could be addressed to organizations concerned with: occupational training and maintenance of performance standards by professional and occupational organizations in the medical, educational and legal professions; conditions of employment in the private and public sectors; treatment and counselling of drug abusers in the context of such medical specializations as psychotherapy and psychiatry; treatment and sentencing of persons accused of drug offences or drug-related crimes, in the context of the responsibilities of magistrates, judges and prison administrators; and the interests and well-being of groups at special risk from abuse and misuse of drugs, such as the elderly, persons infected with the human immunodeficiency virus (HIV) and the marginalized poor, including refugees, street children and displaced and homeless persons. In that connection, the establishment of some system to permit the Commission to review the activities of such organizations and to institute a pro-active dialogue with them deserves attention (see paragraph 96, recommendation (a), below).

93. The advisory group felt that Governments should give increasing recognition to the role played by non-governmental organizations, particularly in implementing national drug control strategies, by drawing attention to the drug problem, by helping to generate political will and public support, and, in the case of those with specific professional competence, by direct action.

94. The advisory group suggested that UNDCP should develop a strategy to enable it to play a more active role in promoting and encouraging the active involvement of the private sector and non-governmental organizations in countering various aspects of the drug problem. In doing so, UNDCP should identify non-governmental organizations that have been actively involved in delivering services at the national level in the field of prevention, treatment and rehabilitation, and, after careful examination of their credentials, consider using them in programme implementation. To that end, UNDCP should draw up criteria to evaluate the performance of such non-governmental organizations with a view to establishing a roster of non-governmental organizations that it could potentially use in the field of demand reduction, as well as in the appropriate areas of alternative development. In order to carry out the activities suggested, the Commission may wish to clarify how such action could be initiated and implemented (see paragraph 96, recommendations (b) and (c), below).

3. Recommendations

95. To ensure a better return on training efforts and expenses, the Commission may wish to recommend that UNDCP should assist Member States in their efforts to provide training programmes in demand reduction activities and law enforcement by drawing up guidelines on possible approaches to be used in such programmes, emphasizing in particular the importance of properly selecting trainees and subsequently keeping them in the positions for which they received the training.

96. With regard to possible action by the Commission to improve dialogue with non-governmental organizations and to encourage their active participation in drug abuse control programmes and projects, the Executive Director submits the following recommendations:

(a) A special agenda item, subcommittee or other modality should be established to develop a more pro-active dialogue between the Commission and non-governmental organizations active in the field of drug abuse control;

(b) The Commission should request UNDCP to promote activities of non-governmental organizations consistent with the international drug control treaties and to monitor those activities closely. In doing so, the Commission should call on Governments to release relevant information to non-governmental organizations and to request that a report of their achievements be transmitted to UNDCP. Upon receiving those reports, UNDCP should select and introduce the reports in the UNDCP

Information Letter, as well as publicly recognizing the outstanding contribution of non-governmental organizations every year;

(c) In order to muster the support of non-governmental organizations worldwide, UNDCP should maintain its own list of accredited non-governmental organizations, modelled on the list of non-governmental organizations in consultative status with the Council.

II. REPORT ON ISSUES IDENTIFIED IN PARAGRAPHS 10 (d), (f), (g) AND (h) OF GENERAL ASSEMBLY RESOLUTION 48/12

97. The four issues identified in paragraphs 10 (d), (f), (g) and (h) of resolution 48/12 were referred by the Commission to its subsidiary bodies. Those issues relate to organized criminal drug trafficking, links between such activity and terrorism, penalties for drug-related offences and the implementation of the 1988 Convention. In that connection, the attention of the Commission is drawn to the report of the subsidiary bodies, which reflects the outcome of their discussion of the four issues raised in the paragraphs in question (E/CN.7/1995/9, sect. III).

98. As requested by the Commission (see paragraphs 2-3 above), subsections A to D below cover the work of the subsidiary bodies on the above-mentioned issues, and presents the relevant conclusions and recommendations of a number of international conferences.

A. International criminal drug organizations

99. The subsidiary bodies considered the issue of strengthening the international fight against organized drug trafficking from several aspects. They noted the increasingly professional organization of drug syndicates and their growing recourse to violence, calling for a long-term strategy. The need for international cooperation was paramount in that respect. Practical measures to improve cross-border cooperation and, at the national level, inter-agency coordination and cooperation, as well as to further the analysis and sharing of intelligence data and to encourage use of the law enforcement technique of controlled delivery, were examined by the subsidiary bodies, and gave rise to specific recommendations (E/CN.7/1995/9, paras. 51-66).

100. The Summit of the Americas, although convened primarily to promote democracy, free trade and sustainable development in the western hemisphere, included in both its Declaration of Principles and Plan of Action numerous references to the need for greater anti-drug cooperation between Governments. In particular, it devotes a section of its Plan of Action to the theme of broadening and strengthening the efforts of Governments in the fight against illicit drug trafficking, and to the related issues of corruption, intimidation and violence. The Governments of the region recognize the need to prevent and reduce illicit demand for drugs, and undertake to work collectively to identify drug-trafficking networks, prosecute their leaders and seize their assets.

101. The World Ministerial Conference on Organized Transnational Crime, in adopting its Naples Political Declaration and Global Action Plan against Organized Transnational Crime, focused more acutely on the issue of organized criminality, and while the scope of the conference was naturally much wider than the field of drug control, it served to draw attention to many fundamental issues that also concern the latter. The Conference evoked the links between crime and terrorism, the practical usefulness of the enforcement technique of controlled delivery, the importance of attacking the laundering of illicit proceeds and the need for mutual legal assistance and cooperation at the investigative, prosecutorial and judicial levels, themes which are extensively developed in the 1988 Convention in relation to drug abuse control. Moreover, in the Political Declaration, the

Conference urged States that have not yet become parties to the 1988 Convention to take the necessary steps to do so, and to fully implement its provisions.

B. Links between terrorist groups, drug traffickers and armed criminal groups

102. The consideration of the issue of links between terrorism and drug trafficking by the subsidiary bodies is before the Commission (E/CN.7/1995/9, paras. 67-70). The increasing availability of sophisticated weaponry to both drug-trafficking organizations and subversive groups is clearly of growing concern to Governments, as is their recourse to violence. The recommendations of the subsidiary bodies are thus directed at steps to ensure closer control over arms shipments. In addition to similar recommendations concerning control of trade, the report of the Secretary-General on the implementation of the Global Programme of Action points to the need for bilateral and subregional initiatives to counter terrorist and insurgent groups (A/48/286, para. 15, sect. G (a), (b) and (e)).

103. The bilateral and subregional approach to combating terrorism is also proposed in the Plan of Action of the Summit of the Americas in its section on that problem, which also emphasizes the role of extradition in terrorist cases. The Plan of Action specifically calls for a strengthening of efforts to control firearms, ammunition and explosives to avoid their diversion to drug traffickers.

104. The World Ministerial Conference on Organized Transnational Crime noted with grave concern the links between criminal organizations and terrorist activity, and called for the development of coordinated strategies and other forms of international cooperation to combat them.

C. Penalties for drug-traffic-related offences

105. In the preamble to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, it was pointed out that many countries needed to raise the level of response to organized crime, and recognized that, in view of differing evaluations of the phenomenon, States would be called on to exercise a choice of policies to fight it. That choice is fundamental to the question of the adequacy of penalties of which the Commission is seized.

106. From the report of the subsidiary bodies on the subject (E/CN.7/1995/9, paras. 71-73), the possible linkage between adequacy of penalties and requests for extradition is clear. The subsidiary bodies were also concerned that there should be no weakening of the control regime by decriminalization or legalization of the non-medical use of drugs.

107. Among the recommendations contained in the report of the Secretary-General on the implementation of the Global Programme of Action, none specifically address the question of the adequacy of penalties, although States parties to the international drug control treaties are invited to enact appropriate legislation to ensure their effective implementation (A/48/286, para. 15, sect. D, subsect. 1 (e)).

108. The question of appropriate sanctions for the commission of drug-trafficking offences is the object of provisions in all three of the current drug control conventions, the most detailed of which are set forth in article 3 of the 1988 Convention. Article 3 also requires States parties to make the commission of the offence of laundering the proceeds of illicit drug-trafficking liable to sanctions that take into account the grave nature of those offences. There are no provisions in the conventions requiring parties to either establish as offences, or to provide appropriate penalties for, the traffic in arms or the laundering of proceeds of offences other than drug-trafficking offences.

109. One issue of direct relevance to the question of the adequacy of penalties is that of alternative measures to punishment. Both the 1961 and the 1971 conventions provide that the parties may provide

for alternative measures to conviction or punishment for abusers who commit drug offences, such as treatment, after-care, education, rehabilitation or social reintegration. The 1988 Convention provides the option for alternative measures either for minor drug-trafficking cases or for cases of possession, cultivation or purchase of drugs for personal consumption. Less serious offences related to possession and trafficking have given rise in some countries to serious pressures on the judicial system and the capacities of national penal institutions. The identification of alternative sanctions for minor cases or for cases of personal consumption, particularly if the offence is the offender's first offence, that serve not only to rehabilitate the offender, but also to deter others from committing such offences, might reduce the high costs of prosecution and incarceration in many criminal justice systems. An analysis of possible alternative measures to incarceration in one area is before the Commission (E/CN.7/1995/6). That aspect of the question deserves further review (see paragraph 113, recommendation (a), below).

110. There is a wide range of penalties specified in national legislation for drug-trafficking offences, and the sentencing practices of States differ considerably. The laws of many States determine the length of the maximum term of imprisonment and amount of pecuniary penalty by the quantity of drugs involved. There also exists a wide spectrum in the length of sentences of imprisonment imposed for drug-trafficking offences, ranging from no imprisonment to life imprisonment. Although the quantity of drugs involved in an offence is clearly a relevant factor in determining the appropriate penalty, it may not accurately reflect the role the offender played in the drug-trafficking offence, thereby causing minor players to be more harshly penalized than major organizers. States may wish to bear that fact in mind when reviewing the adequacy of sanctions handed down by their courts.

111. Both the Global Action Plan adopted by the World Ministerial Conference on Organized Transnational Crime and the report of the International Conference on Preventing and Controlling Money-Laundering and the Use of the Proceeds of Crime: a Global Approach refer to accessory sanctions, such as disciplinary sanctions imposed on members of professional groups who contravene behavioural codes formulated for the profession. Those alternatives may be usefully considered, particularly in cases involving money-laundering offences. Attention is also drawn to other occupational sanctions, such as the prohibition of persons convicted of offences in financial and stock-market transactions from engaging in further activities in those fields. Forbidding convicted persons from acting as corporate officers or from incorporating a business entity could also serve as a deterrent to persons involved in money-laundering. That, too, is an area that deserves the close attention of Governments.

112. The Commission is reminded that, although the question of appropriate punishment for drug-trafficking offences is within its mandate, it is also an element in the broader question of the general adequacy and appropriateness of punitive measures decided by the State. In that larger context, it is a matter that should be considered rather by the Commission on Crime Prevention and Criminal Justice. The respective roles of each commission and how they might examine the question remains to be determined (see paragraph 113, recommendation (b), below).

Recommendations

113. The Commission is invited to consider the following recommendations concerning the adequacy of penalties:

(a) States should continue to explore the possibility of applying alternative measures to conviction and punishment for drug-related offences and exchange information on those measures at the Commission;

(b) The question of the adequacy of penalties for drug-related offences should be further reviewed by UNDCP in consultation with the Crime Prevention and Criminal Justice Branch, and the findings

reported periodically to the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice.

D. Implementation of provisions of the 1988 Convention

114. The implementation of the provisions of the 1988 Convention is considered in the report of the subsidiary bodies (E/CN.7/1995/9, paras. 74-90). In addition to specific recommendations on each of the three issues singled out by the Assembly - money-laundering, interdiction procedures by land, sea and air, and control of precursors and essential chemicals - which are referred to below, two recommendations of a general nature are presented in the report (E/CN.7/1995/9, para. 75).

1. Money-laundering

115. The advisory group, although recognizing that the Commission had not requested it to examine the issue of money-laundering, considered that that issue was one of the most important strategic avenues to be further pursued in targeting illicit drug trafficking, and noted that a large percentage of money-laundering was drug-related. It accordingly wished to place on record its position that the role of UNDCP in that field should be further strengthened to ensure greater effectiveness and coherence of action with other agencies, particularly CICAD and the secretariat of the Organization for Economic Cooperation and Development. The group also stressed the importance of bilateral or regional agreements aimed at preventing and combating money-laundering (see paragraph 121 below).

116. The subsidiary bodies were in agreement on the importance and usefulness of attacking money-laundering offences. They examined steps taken by Governments and difficulties encountered in investigating such offences, concluding that while some Governments had been successful in organizing to combat financial crimes, others still lacked the legislation and investigative expertise required to do so. The subsidiary bodies recommended certain steps to improve the capacity of Governments to fight money-laundering (E/CN.7/1995/9, para. 78).

117. The Summit of the Americas also considered this issue, and a section of its Plan of Action is devoted to measures to combat money-laundering. The Summit refers to the importance of the 1988 Convention, the OAS Model Regulations to Control Chemical Precursors and Chemical Substances, Machines and Materials,[26] the recommendations of the Caribbean Financial Action Task Force and the recommendations of the Financial Action Task Force established by the seven major industrialized countries (Group of Seven) and the President of the Commission of the European Communities. In that connection, the importance of the latter was already emphasized in the report of the Secretary-General on the implementation of the Global Programme of Action, which also encourages bilateral and multilateral agreements between States (A/48/286, para. 15, sect. E).

118. In its report for 1993, the Board drew attention to the importance of adopting measures against money-laundering.[27] Again in the supplement to its report for 1994, the Board reverts to the subject,[28] pointing out that the provisions of the 1988 Convention relating to money-laundering have not yet been fully implemented, and formulating specific recommendations concerning article 5 of the Convention.

119. The International Conference on Preventing and Controlling Money-laundering and the Use of the Proceeds of Crime: a Global Approach examined the emerging trends in what has now been recognized as a global problem, and analysed the gaps in existing regulatory and control measures. The Conference recognized the need for most Governments to up-grade their capability to monitor and attack money-laundering, and, in that spirit, recommended a number of measures to be taken, including criminalization of the act of money-laundering, limitation of bank secrecy, identification and reporting of suspicious

transactions, better regulation of financial operations and those conducting them, forfeiture of assets and the creation of workable mechanisms for international cooperation. The Conference was held in cooperation with the Government of Italy and under the auspices of the Crime Prevention and Criminal Justice Branch. Its report and recommendations have been submitted to the Council (E/CONF.88/7).

120. The World Ministerial Conference on Organized Transnational Crime took note of the work accomplished at the International Conference on Preventing and Controlling Money-laundering and the Use of the Proceeds of Crime: a Global Approach, and identified the laundering of illicit proceeds as a characteristic of organized criminal activity. In the Global Action Plan against Organized Transnational Crime adopted by the World Ministerial Conference and subsequently approved by the General Assembly in its resolution 49/159 of 23 December 1994, the Conference examines at length the action required by Governments, in particular the identification of strategies, criminalization of the offence of money-laundering, preventive measures and appropriate legislation and regulatory controls.

121. The Executive Director transmits to the Commission the following two recommendations formulated by the advisory group:

(a) Governments should adhere to existing regional agreements against money-laundering, and draw up such bilateral agreements as may be required;

(b) UNDCP should increasingly cooperate with parliamentary institutions with a view to ensuring passage of appropriate legislation on money-laundering.

2. Interdiction procedures by land, sea and air

122. The subsidiary bodies recognized that interdiction procedures were influenced by changes in the modus operandi of traffickers, including: greater use of containerized cargo as a place of concealment; new routes for transshipment because of an armed conflict or the porous condition of the frontiers of countries in transition; use of small unregistered vessels for illicit coastal trade; and diversification between air couriers and sea transport. The reflections of the subsidiary bodies on that problem are before the Commission (E/CN.7/1995/9, paras. 80-86).

123. In addition to the general need to ensure proper organization of law enforcement at the national level and increase international cooperation (see paragraph 99 above and E/CN.7/1995/9, paras. 56, 58, 63 and 66), the subsidiary bodies formulated specific recommendations relating to the use of the technique of controlled delivery (E/CN.7/1995/9, paras. 87 and 88).

3. Control of precursors and essential chemicals

124. In order to institute better control over the movement of precursors and essential chemicals, the subsidiary bodies drew attention to the need to improve the databases of most Governments. The need for a sound legislative basis and appropriate regulations for monitoring those substances was also emphasized, as was cooperation with the chemical industry and the use of memoranda of understanding between that industry and the Government (E/CN.7/1995/9, paras. 89-91). The need to adopt effective legislative and regulatory measures to implement article 12 of the 1988 Convention was among the recommendations contained in the report of the Secretary-General on the implementation of the Global Programme of Action, which also emphasized the importance of the submission to the Board of all the information required from States under that article (A/48/286, para. 15, sect. C, subsect. 4 (q) to (t)).

125. The failure of Governments to furnish the Board with sufficient data to allow it to carry out certain aspects of its mandate is one of the elements referred to in the assessment in the special supplement to

the report of the Board for 1994.[29] The Executive Director wishes to draw the attention of the Commission to the thorough examination of the problem areas identified by the Board in that supplement, and recommends that the Commission consider them with the required diligence.

III. REPORT ON A REQUEST BY THE COMMISSION ON NARCOTIC DRUGS CONCERNING ALTERNATIVE FUNDING MECHANISMS

126. In its resolution 3 (XXXVII), the Commission requested the Executive Director, with the support of the advisory group, to prepare an assessment of the issue of possible alternative funding mechanisms for United Nations drug control activities.

127. In the course of its examination of the various options for alternative sources of funding, the advisory group took note of the new priorities for resource mobilization, as outlined in the report of the Executive Director on the activities of UNDCP (E/CN.7/1995/2, sect. VI). Those priorities were established in pursuance of Commission resolution 14 (XXXVI) of 17 December 1993, in which the Executive Director was requested to present his views on how to generate adequate income for the implementation of UNDCP activities.

128. The Executive Director shares the concern of the advisory group over the growing gap in the funding of operational activities of UNDCP. Starting with 1992 as the year of transition when expenditures under the Fund of UNDCP exceeded income for the first time, current estimates show that the deficit will grow during the coming years, with early 1996 as the turning-point, following the depletion of UNDCP fund and cash balances.

129. One predicament in operational programme development relates to the fluctuations in the amounts pledged by donor countries from year to year. The Executive Director shares the concern of the advisory group regarding the unpredictable nature of the current funding procedures based on voluntary contributions of a limited number of donors, and concurs therefore with its view that the participation and sustained commitment of an increasing number of Governments as donors to the Fund of UNDCP is a prerequisite for the future financial stability of UNDCP.

130. To achieve that objective, UNDCP has launched a series of initiatives, such as regular bilateral strategy-building exercises with individual potential donors, the convening of periodic technical consultations on specific themes or areas of intervention, and the inclusion of drug control in consultative round-table discussions and meetings of donors and international financial and development cooperation organizations. The Executive Director is also of the view that an essential element for UNDCP to fulfil its mandates and pursue a viable, long-term technical assistance programme concerns the role of the Commission in drawing the attention of Governments to the need for sustained financial support.

131. In addition, the shift from a project-oriented approach to a broader programmatic perspective and the emphasis on activities such as research promotion, the collection, analysis and dissemination of data and the development of specialized expertise call for a more systematic and reliable general-purpose resource base.

132. As noted by the advisory group, a new trend has emerged in recent years, with UNDCP assisting in encouraging recipient countries to provide complementary financial resources. The co-financing and cost-sharing of programmes at the national and subregional levels has yielded initial positive results. The Executive Director intends to develop that modality further, as an effective method by which Governments can complement seed money committed by UNDCP for new drug control activities.

133. One issue of prime importance that was examined by the advisory group concerns the mobilization of resources within the United Nations system in support of drug control activities. In fulfilling its catalytic, coordinating role, UNDCP is moving its interventions upstream more assertively, at the policy, institutional and operational framework levels in close cooperation with other partners. The Executive Director intends actively to pursue a policy of increased cooperation with other organizations, in particular development agencies, and regional and international financial institutions, in order to maximize the impact of drug control activities within the system. In that connection, UNDCP intends to further strengthen its collaboration with international financial institutions, as suggested by the advisory group, to encourage greater commitment to alternative development programmes.

134. It may be recalled that at the thirty-sixth session of the Commission, the Executive Director underlined the importance of action taken by member States in the governing bodies of other organizations to ensure the inclusion of drug control in their priority agenda and work programme. While noting with appreciation steps taken in that direction by several countries, the Executive Director believes that it would also be appropriate if the Commission were to encourage all member States to speak with one voice in the governing bodies of those organizations.

135. In addition, UNDCP is actively pursuing the avenue of cooperative inter-agency planning offered by the mechanism of the System-Wide Action Plan. The techniques now being evolved for alternative development programmes may well serve as the basis for long-term cost-effective project planning with partners in the United Nations system, as well as with other partners undertaking projects in drug abuse control. In line with the views expressed by the advisory group, the Executive Director intends also to encourage joint fund-raising activities with other organizations, in particular in the area of demand reduction. That proposal will be examined during the 1995 meeting of the Subcommittee on Drug Control of the Administrative Committee on Coordination.

136. An alternative mechanism for funding, as noted by the advisory group, has also been identified in the 1988 Convention, article 5, paragraph 5 (b), which specifies that, when acting on the request of another party in accordance with the article, a State party may give special consideration to concluding agreements on contributing part or all of the value of proceeds or property confiscated under the terms of the treaty to intergovernmental bodies specializing in drug abuse control. The possibility of sharing forfeited assets was also included in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime adopted by the World Ministerial Conference on Organized Transnational Crime, which provides in article 38 that subject to the basic principles of their legal systems, States should also consider the possibility of sharing forfeited assets (see A/49/748). Mention has already been made of that possibility in the context of the particular needs of transit States in combating the illicit traffic. That concept has been endorsed by the Commission in several resolutions, and may prove to be an interesting option for States parties to the 1988 Convention.

137. Another useful approach to alternative sources of financing concerns the mobilization of active sectors of civil society through specific initiatives targeting the private sector, non-governmental groups, the Olympic Movement and city administrations. The Executive Director welcomes, in particular, the view of the advisory group regarding increased reliance on fund-raising activities undertaken for UNDCP by non-governmental organizations as part of their anti-drug campaigns. The most visible example to date of contributions from voluntary organizations are donations provided by the Drug Abuse Prevention Centre in Japan in support of demand reduction activities carried out by non-governmental organizations in developing countries.

138. Concluding its examination of the predictability of funding from Member States, the advisory group noted that UNDCP should further investigate different alternatives, using, if needed, a small consultative group to assist the Executive Director in the identification of alternative sources of funding.

While welcoming that suggestion, the Executive Director believes that the recent establishment of an office entrusted with that responsibility and the adoption of new priorities for resource mobilization represent appropriate measures for the short to medium term. If deemed necessary, UNDCP intends to enlist the support of specialized resource persons when implementing its fund-raising strategy vis-à-vis designated target groups, for example, in the private sector.

Recommendations

139. With respect to possible action that might lead to a more stable financial base for UNDCP, the Executive Director submits the following recommendations:

(a) The Commission should encourage States that either have not previously contributed or have cut back on their contributions to UNDCP to reaffirm their commitment to UNDCP in a continuing and consistent pattern;

(b) The total contributions from individual donor countries should allow the utilization of at least 30 per cent by UNDCP as general-purpose contributions to ensure a measure of flexibility in the management of UNDCP operational activities;

(c) States should be encouraged, to the extent feasible, to honour their pledges in a timely manner in order to enable UNDCP to maintain an adequate cash-flow;

(d) States should intervene in the governing bodies of development agencies, international financial institutions such as the World Bank, regional development banks and other relevant forums in order to promote the inclusion of the drug dimension when development programmes are drawn up. The issue of financing for alternative development projects could usefully be included in the agenda of the high-level segment of the Council in 1995, in accordance with General Assembly resolution 48/12, with the active participation of Member States, the Executive Director of UNDCP and the heads of the relevant international financial institutions and specialized agencies;

(e) States parties to the 1988 Convention should consider adopting legislation that would permit a fixed percentage of confiscated assets to be used to support the fight against drug abuse and illicit trafficking, both bilaterally and through UNDCP;

(f) States should be urged to encourage and endorse the activities of non-governmental organizations designed to raise funds for anti-drug programmes, including the promotion of educational and preventive campaigns;

(g) Recipient Governments should be encouraged to provide complementary financial resources through co-financing or cost-sharing of programmes at the national and subregional levels, in either cash or kind.

Notes

[1]Effectiveness of the International Drug Control Treaties (United Nations publication, Sales No. E.95.XI.5).

[2]United Nations, Treaty Series, vol. 528, No. 7515.

[3]Ibid., vol. 976, No. 14152.

[4]Ibid., vol. 1019, No. 14956.

[5]E/CONF.82/15 and Corr.2.

[6]See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. A.

[7]See resolution S-17/2, annex.

[8]E/1990/39 and Corr.1 and 2 and Add.1.

[9]League of Nations, International Opium Convention, signed at The Hague, 23 January 1912 (C.222.1923.VIII), p. 188.

[10]Effectiveness of the International Drug Control Treaties ..., paras. 35 and 50-74.

[11]Ibid., paras. 36-49.

[12]Ibid., paras. 27 and 28.

[13]Ibid., para. 75.

[14]See Report of the International Narcotics Control Board for 1992 (United Nations publication, sales No. E.93.XI.1), chap. I, sect. A.

[15]Effectiveness of the International Drug Control Treaties ..., para. 22.

[16]Ibid., paras. 32-34.

[17]Ibid., paras. 55-57.

[18]Ibid., paras. 57-60.

[19]Ibid., paras. 61 and 62.

[20]Ibid., paras. 63-68.

[21]Ibid., paras. 36 and 37.

[22]Ibid., paras. 38-49.

[23]See Report of the International Narcotics Control Board for 1993 (United Nations publication, Sales No. E.94.XI.2), chap. I, sect. A.

[24]Effectiveness of the International Drug Control Treaties ..., para. 20.

[25]Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990 (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

[26]RM/NARCO/doc.18/90 rev.1.

[27]Report of the International Narcotics Control Board for 1993 ..., paras. 34-37.

[28]Effectiveness of the International Drug Control Treaties ..., paras. 96-98.

[29]Ibid., paras. 77-95.